IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1884 of 2005

Between:

1. The Commissioner & Director of Agriculture, Andhra Pradesh, Hyderabad.
2. The Joint Director of Agriculture, Warangal.

..... PETITIONER(S)

AND

1. G.Anandam, s/o Kankaiah,
Retd. as Junior Assistant in the office of the Joint Director of Agriculture,

Warangal.
2 K.Raja Reddy, s/o Peddi Reddy,
Retired as Junior Assistant in the office of the Asst. Director of Agriculture,

Parkal, Warangal District.
3 R.Krishna Swamy, s/o Challaiah,
Retd. as Junior Assistant, O/o Asst.Director of Agriculture (Regular), Ghanpur

Station, Warangal District.
4 Javvad Ahmed Siddiqui, s/o Abdul Rasheed Siddiqui,
Working as Junior Assistant in the office of the Joint Director of Agriculture,

Warangal.
5 B.Shankar Rao, s/o Narayana,
Working as Typist in the office of the Deputy Director of Agriculture, Soil

Conservation, Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction more particularly one in the nature of a "*WRIT OF CERTIORARI*" calling for the records connected with order in O.A.No.11613/2002 dt.25-8-2004 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law and pass such other order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: GP FOR SERVICES I

Counsel for the Respondents No.1 to 5: G. Gopala Rao Caveator

The Court at the admission stage made the following:

ORDER:(Per. Hon'ble Sri Justice G. Bikshapathy)

This writ petition is filed by the Government assailing the order passed by the Tribunal in O.A.No.11613 of 2002, dated 25.08.2004.

2. The matter relates to grant of benefits under Automatic Advancement Scheme for 15 years and 22 years of service. The unofficial respondents were granted the benefit of 15years/ 22 years selection grade (Automatic Advance Scheme). But, after the release of the said benefits, they were promoted to the post of Senior Assistants. In pursuance of the clarification issued by the Government in Memo dated 26.10.1988, the respondents sought to withdraw the benefits already granted. Therefore, challenging the said cancellation contending that it is illegal and contrary to the intendent of Automatic Advancement Scheme, the respondents filed the said O.A. before the Tribunal. The tribunal accepted the case of the respondents and allowed the O.A. by an order dated 25.08.2004. Aggrieved by the said order, the present writ petition has been filed.

3. We have heard the learned Government pleader for petitioner and the learned counsel for the respondents.

4. The learned Government Pleader submits that when once the promotions were

given to the employees as Senior Assistant, the question of again continuing the 15 and 22 years scale would not arise, as it would amount to confer double benefits on the employees. When the respondents were promoted they relinquished their right of promotion as Senior Assistants, and therefore, they cannot be allowed to have the advantage of 15 years and 22 years.

5. We are unable to appreciate the contention raised by the learned Government Pleader. The benefits were released to these respondents in accordance with the G.O. issued by the Government. But it is not the case of the Government that the respondents were promoted and they refused the promotion prior to the Automatic Advancement Scheme coming into effect. In the instant case, much after they were released the benefits of Automatic Advancement Scheme they were promoted as Senior Assistants. Therefore, when once the benefits were released under the scheme and thereafter if the employees were promoted and such promotions were refused, that would not entitle the Government to withdraw the benefits.

6. Under these circumstances, we do not find any flaw in the order of the Tribunal.

7. Accordingly, we dismiss the writ petition. No costs.

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(G. BIKSHAPATHY, J)

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(P.S. NARAYANA, J)

Date: 28.02.2005.

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner & Director of Agriculture, Andhra Pradesh, Hyderabad.
2. The Joint Director of Agriculture, Warangal.

3. The Registrar, A.P. Adminstrative Tribunal, Hyderabad.

4. 2 CCs to G.P. for Services-I, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies

6. 1 CC to MR.GOPALA RAO GANDRAKOTA

*Form-NIC-OGS/WP{**RS**}*